Case 19-70386-JAD Doc 17 Filed 07/11/19 Entered 07/11/19 15:20:23 Desc Main Document Page 1 of 9

Fill in this info	prmation to identify ye	-						
THE THE								
Debtor 1	Jerry First Name	A Middle Name	McKinney Last Name			Check if this		
	Kathy	J	Mokingov			plan, and list sections of the		
Debtor 2 (Spouse, if filing)	First Name	Middle Name	McKinney Last Name			been change		.,
United States Bar	nkruptcy Court for the Wes	stern District of Pe	ennsylvania		_			
Case number	19-70386-JAD							
(if known)								
Western [District of Per	nsvlvani	a					
	13 Plan Da							
Part 1: Noti	ces							
To Debtors:	indicate that the op	ition is approp	oriate in vour circi	in some cases, but the p umstances. Plans that d an control unless otherwi	o not c	omnly with loc	al cul	form does not es and judicial
	In the following notice	to creditors, yo	ou must check each	box that applies.				
To Creditors:	YOUR RIGHTS MAY	BE AFFECTE!	D BY THIS PLAN.	OUR CLAIM MAY BE REI	DUCED,	MODIFIED, OR	ELIM	INATED.
		plan carefully a	nd discuss it with yo	ur attorney if you have one				
	THE CONFIRMATION PLAN WITHOUT FUI	TILE AN OBJE N HEARING, L RTHER NOTICI	CTION TO CONFIR JNLESS OTHERWI E IF NO OBJECTIO	OUR CLAIM OR ANY PR MATION AT LEAST SEVI SE ORDERED BY THE C N TO CONFIRMATION IS PF OF CLAIM IN ORDER TO	EN (7) E COURT. FILED.	AYS BEFORE THE COURT (SEE BANKRIII	THE I MAY PTCV	DATE SET FOR CONFIRM THIS BULE 2015 IN
	The following matters	may be of part	icular importance. i	Debtor(s) must check one ed" box is unchecked or	hox on	each line to st	ato w	hether the clan
1 A limit on ti payment o effectuate s	r no payment to th	m or arrearage e secured cre	es set out in Part 3 editor (a separate	which may result in a pa action will be required	rtial I to	Included	•	Not Included
2 Avoidance of Section 3.4	of a judicial lien or no (a separate action wil	npossessory, I be required to	nonpurchase-mon effectuate such li	ey security Interest, set o	ut in	O Included	•	Not included
3 Nonstandar	d provisions, set out i	in Part 9				○ Included	•	Not Included
art 2: Plan	Payments and Len	gth of Plan	11			w		
· · ·								
Debtor(s) will m	ake regular payment	s to the trustee	9 :					
Total amount of follows:	\$ <u>1,545.00</u> pe	r month for a r	remaining plan term	of 60 months shall be	paid to	the trustee from	n futu	re eamings as
	By Income Attachment	Directly by I	Debtor	By Automated Bank Trans	rios			
D#1	\$0,00	7 -7 -	\$0.00	\$0.00	ai Ci			
D#2	\$1,535.00		\$0.00	\$0.00				
(Income attachm	ents must be used by o	debtors having a		(SSA direct deposit recir	niente cr	nlw)		

2.1

Document Page 2 of 9 Debtor(s) Jerry A McKinney, Kathy J McKinney Case number 19-70386-JAD 2.2 Additional payments: Unpaid Filing Fees. The balance of \$ shall be fully paid by the Trustee to the Clerk of the Bankruptcy Court from the first available funds. Check one. None. If "None" is checked, the rest of Section 2.2 need not be completed or reproduced. The debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment. The total amount to be paid into the plan (plan base) shall be computed by the trustee based on the total amount of plan payments plus any additional sources of plan funding described above. Part 3: **Treatment of Secured Claims** 3.1 Maintenance of payments and cure of default, if any, on Long-Term Continuing Debts. Check one. None. If "None" is checked, the rest of Section 3.1 need not be completed or reproduced. The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed by the trustee. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, without interest. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. Name of creditor Collateral Current Start date installment arrearage (if (MM/YYYY)payment any) (including escrow) Lakeview Loan SVC c/o M&T* 276 Ida Street Houtzdale, PA 16651 \$793.68 \$40,113.19 07/2019 *LMP payment 60% P&I, 100% TI \$0.00 \$0.00 Insert additional claims as needed. 3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims. Check one. None. If "None" is checked, the rest of Section 3.2 need not be completed or reproduced. The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked. The debtor(s) will request, by filing a separate adversary proceeding, that the court determine the value of the secured claims listed \boxtimes below. For each secured claim listed below, the debtor(s) state that the value of the secured claims should be as set out in the column headed Amount of secured claim. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below. The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 (provided that an appropriate order of court is obtained through an adversary proceeding). Name of creditor Estimated amount Collateral Amount of Value of Amount of Interest Monthly of creditor's total claims senior secured collateral payment to claim (See Para. 8.7 to creditor's claim creditor below) claim 2011 Cadillac Ally Financial \$16,000.00 \$14,400.00 \$0.00 \$14,400.00 3.2 \$260,03 SRX Insert additional claims as needed.

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3.3 Secured claims excluded from 11 U.S.C. § 508. Check one. None. If "None" is checked, the rest of Section 3.3 need not be completed or reproduced. The claims listed below were either: (1) Incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for persor use of the debtor(s), or (2) Incurred within one (1) year of the petition date and secured by a purchase money security interest in any other thing of value. These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed by the trustee. Name of creditor Collateral Amount of claim Interest rate Monthly payment to creditor So.00 0% \$0.00 Insert additional claims as needed. 3.4 Lien Avoidance. Check one. None. If "None" is checked, the rast of Section 3.4 need not be completed or reproduced. The judicial liens or sonopassesson, nonpurhase-money security interests securing the claims listed below impair exemptions to which it debtor(s) would have been entitled under 11 U.S.C. § 522(b). The debtor(s) will request, by filling a separate motion, that the court ord the avoidance of a judicial lien or security interest securing a daim listed below to the extent nate it it impairs such exemptions. The amount in a light publicable nor security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The arms of the publicable nor security interest that is not avoided will be paid in fall as a secured claim under the plan. Secure and the paid in the paid in fall as a secured claim under the plan. Secure motor. The amount, if an all he judicial lien or security interest that is not avoided will be paid in fall as a secured claim under the plan. Secure and the court ord salarity judicial lien or security interest that is not avoided will be paid in fall as a secured claim under the plan. Secure and the court ord salarity plant the secure and the court ord plant the secure and the paid	Deb	Case 19-70386-JAD or(s) Jerry A McKinney, Kathy J	McKinney	Document	Page 3 of 9	Case	number	19-70386-JAD -
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The judicial liens or nonpossessory, nonpurchase-more security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). The debtor(s) will request, by filing a separate motion, that the count of the avoidance of a judicial lien or security interest securing a claim listed below to the extent that it impairs such exemptions. The amount of the avoidance of a judicial lien or security interest that is avoided will be praid in full as a separate motion, that the count of the judicial lien or security interest that is avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) are Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien. Name of creditor Collateral Modified principal Interest Monthly payment or pro rata \$0.00 0% \$0.00 Insert additional claims as needed. "If the lien will be wholly avoided, insert \$0 for Modified principal balance. Surrender of Collateral. Check one. None. If "None" is checked, the rest of Section 3.5 need not be completed or reproduced. The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under 11 U.S.C. § 130 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5. Name of creditor Collateral		Check one.						
Interest rate		The judicial liens or nonposse	essory, noncu	rt 1 of this plan is : Irchase-money sec:	checked.	of-i lies	and braders to	
Insert additional claims as needed. "If the lien will be wholly avoided, insert \$0 for Modified principal balance. Surrender of Collateral. Check one. None. If "None" is checked, the rest of Section 3.5 need not be completed or reproduced. The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under 11 U.S.C. § 130 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5. Name of creditor Collateral		The judicial liens or nonposse debtor(s) would have been en the avoidance of a judicial lien any judicial lien or security into of the judicial lien or security in the securi	essory, nonpu stitled under 1 or security in erest that is a interest that is	rt 1 of this plan is our chase-money secular U.S.C. § 522(b). Interest securing a classified will be treated and solded will be treated and solded will be s	checked. urity interests securing the The debtor(s) will reques laim listed below to the extended as an unsecured claim e naid in full as a secured.	claims list it, by filin g tent that it in Part 5 to	ted below imp a separate impairs such to the extent a	pair exemptions to whice motion, that the court exemptions. The amount, if
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3.6 Secured tax claims.

Name of taxing authority	Total amount of claim	Type of tax	Interest rate*	Identifying number(s) if collateral is real estate	Tax periods
Internal Revenue Service	\$2,189.32	Income	5		2006-2009
PA DOR	\$998.49	Income	6		2006-08,10,12

Insert additional claims as needed.

Part 4:

Treatment of Fees and Priority Claims

4.1 General.

Trustee's fees and all allowed priority claims, including Domestic Support Obligations other than those treated in Section 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees.

Trustee's fees are governed by statute and may change during the course of the case. The trustee shall compute the trustee's percentage fees and publish the prevailing rates on the court's website for the prior five years. It is incumbent upon the debtor(s)' attorney or debtor (if pro se) and the trustee to monitor any change in the percentage fees to insure that the plan is adequately funded.

4.3 Attorney's fees.

Attorney's fees are payable to Calaiaro Valencik	In addition to a retainer of \$ 0.00	(of which a 0.00
payment to reinibulse costs advanced stig/or a no-look costs deposit)	already paid by or on behalf of the debtor	the amount of \$5,000.00 :-
to be paid at the rate of \$250.00 per month, including any retain	er paid, a total of \$ in feet and	d conto coimbumo mant has been
approved by the coult to date, based on a complication of the no)-INNK fee and costs denosit and proviou	inter appearant application to the
compensation above the no-look ree. An additional S wi	Il be sought through a fee application to b	a filed and negatived before
additional amount will be paid inlough the plan, and this plan contain	IS Sufficient funding to nev that additional.	amount, without diminishing the
amounts required to be paid under this plan to holders of allowed unser	cured claims.	,

Check here if a no-look fee in the amount provided for in Local Bankruptcy Rule 9020-7(c) is being requested for services rendered to the debtor(s) through participation in the bankruptcy court's Loss Mitigation Program (do not include the no-look fee in the total amount of compensation requested, above).

4.4 Priority claims not treated elsewhere in Part 4.

None. If "None" is checked, the rest of Section 4.4 need not be completed or reproduced.

Name of creditor	Total amount of claim	Interest rate (0% if blank)	Statute providing priority status
	\$0.00	0%	

Insert additional claims as needed.

The secured tax claims of the Internal Revenue Service, Commonwealth of Pennsylvania, and any other tax claimants shall bear interest at the statutory rate in effect as of the date of confirmation.

Case number 19-70386-JAD 4.5 Priority Domestic Support Obligations not assigned or owed to a governmental unit. If the debtor(s) is/are currently paying Domestic Support Obligations through existing state court order(s) and leaves this section blank, the debtor(s) expressly agrees to continue paying and remain current on all Domestic Support Obligations through existing state court orders. Check here if this payment is for prepetition arrearages only. Name of creditor (specify the actual payee, e.g. PA Description Claim Monthly payment SCDU) or pro rata \$0.00 \$0.00 Insert additional claims as needed. 4.6 Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount. None. If "None" is checked, the rest of Section 4.6 need not be completed or reproduced. The allowed priority claims listed below are based on a Domestic Support. Obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). This provision requires that payments in Section 2.1 be for a term of 60 months. See 11 U.S.C. § 1322(a)(4). Name of creditor Amount of claim to be paid \$0.00 Insert additional claims as needed. 4.7 Priority unsecured tax claims paid in full. Name of taxing authority Total amount of claim Type of tax Interest Tax periods rate (0% if blank) Internal Revenue Service \$16,403.63 Income 0% 2013-2015 Insert additional claims as needed.

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riority unsecured claims not separate (s) ESTIMATE(S) that a total of \$0 (s) ACKNOWLEDGE(S) that a MINIMATION at the test for confirmation set forth in 1° (s) ble for payment to these creditors under the payment to general unsecured wed claims. Late-filed claims will not be ta unless an objection has been filed wed in this class. The payments and cure of any one. The payments are cure of any one. The payments is checked, the rest of Sone debtor(s) will maintain the contracture.	will be available for di MUM of \$0 shall be 1 U.S.C. § 1325(a)(4). NOT the MAXIMUM amount for the plan base will be deter d creditors is 0 %. De paid unless all timely filed ci vithin thirty (30) days of filing the	mined only after audit of the The percentage of payment laims have been paid in full. he claim. Creditors not spec acured claims.	editors to comply editors. Instead, the a plan at time of comple may change, based up	actual pool of fund- tion. The estimate- tion the total amoun
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one.				
	Section 5.2 need not be comple	eted or reproduced,		
		op. occor.		
nich the last payment is due after the nount will be paid in full as specified be of creditor	elow and disbursed by the trust Current installment payment	Amount of arrearage to be paid on the claim	Estimated total payments by trustee	Payment beginning date (MW/ YYYY)
	\$0.00	\$0.00	\$0.00	
additional claims as needed.				
etition utility monthly payments.				
y combined payment for postpetition uiting for the life of the plan. Should the plan. These payments may not re	tility services, any postpetition ne utility obtain a court order a	delinquencies, and unpaid s	ecurity deposits. The	claim payment will
of creditor	Monthly pa	yment Postpetiti	on account number	
			11 11 11 11	
	y combined payment for postpetition usinge for the life of the plan. Should the	additional claims as needed. Stition utility monthly payments. Tovisions of Section 5.3 are available only if the utility provider by combined payment for postpetition utility services, any postpetition ange for the life of the plan. Should the utility obtain a court order and plan. These payments may not resolve all of the postpetition (s) after discharge.	etition utility monthly payments. rovisions of Section 5.3 are available only if the utility provider has agreed to this treatme y combined payment for postpetition utility services, any postpetition delinquencies, and unpaid s ange for the life of the plan. Should the utility obtain a court order authorizing a payment change ed plan. These payments may not resolve all of the postpetition claims of the utility. The utility s) after discharge.	\$0.00 \$0.00 solutional claims as needed. stition utility monthly payments. rovisions of Section 5.3 are available only if the utility provider has agreed to this treatment. These payments by combined payment for postpetition utility services, any postpetition delinquencies, and unpaid security deposits. The large for the life of the plan. Should the utility obtain a court order authorizing a payment change, the debtor(s) will be ed plan. These payments may not resolve all of the postpetition claims of the utility. The utility may require addition is after discharge.

Debtor(s) Jerry A McKinney, I	Kathy J McKinney Document	Page 7 of	9 Case numb	er 19-7038	86-JAD
Check one.	led nonpriority unsecured cialms.				
None. If "None" is ch	necked, the rest of Section 5.4 need not be	e completed or repro	oduced.		
The allowed nonprior	ity unsecured claims listed below are sepa	arately classified and	d will be treated as foll	lows:	
Name of creditor	Basis for separate of treatment		Amount of arreara to be paid	ge interest i rate ;	Estimated total payments by trustee
			\$0.00	0%	\$0.00
Part 6: Executory Con	tracts and Unexpired Leases				
Check one. None. If "None" is che	and unexpired leases listed below are projected. ecked, the rest of Section 6.1 need not be the rest installment payments will be discussed property or executory contract	completed or repro	duced,		disbursed by th
Check one. None. If "None" is che trustee.	ecked, the rest of Section 6.1 need not be rrent installment payments will be dis Description of leased property or	completed or repro sbursed by the tru Current installment	duced. stee. Arrearage pay Amount of arrearage to be	yments will be Estimated to payments by	disbursed by the tal Payment beginning date (MM/
Check one. None. If "None" is che trustee.	ecked, the rest of Section 6.1 need not be crent installment payments will be dis Description of leased property or executory contract	completed or reprosbursed by the tru Current installment payment	duced, stee. Arrearage pay Amount of arrearage to be paid	yments will be Estimated to payments by trustee	disbursed by the tal Payment beginning date (MM/
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- the plan goals remains the sole responsibility of debtor(s) and debtor(s)' attorney. It shall be the responsibility of the debtor(s) and debtor(s)' attorney to monitor the plan to ensure that the plan remains adequately funded during its entire term.
- 8.2 Prior to the meeting of creditors, the debtor(s) shall comply with the tax return filing requirements of 11 U.S.C § 1308 and provide the trustee with documentation of such compliance by the time of the meeting. Debtor(s)' attorney or debtor(s) (if pro se) shall provide the trustee with the information needed for the trustee to comply with the requirements of 11 U.S.C. § 1302 as to the notification to be given to Domestic Support Obligation creditors, and debtor(s)' attorney or debtor(s) (if pro se) shall provide the trustee with the calculations relied upon to determine the debtor(s)' current monthly income and disposable income.
- 8.3 The debtor(s) shall have a duty to inform the trustee of any assets acquired while the chapter 13 case is pending, such as insurance proceeds, recovery on any lawsuit or claims for personal injury or property damage, lottery winnings, or inheritances. The debtor(s) must obtain prior court approval before entering into any postpetition financing or borrowing of any kind, and before selling any assets.

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8.4 Unless otherwise stated in this plan or permitted by a court order, all claims or debts provided for by the plan to receive a distribution shall be paid by and through the trustee.

8.5 Percentage fees to the trustee are paid on receipts of plan payments at the rate fixed by the United States Trustee. The trustee has the discretion to adjust, interpret, and implement the distribution schedule to carry out the plan, provided that, to the extent the trustee seeks a material modification of this plan or its contemplated distribution schedule, the trustee must seek and obtain prior authorization of the court. The trustee shall follow this standard plan form sequence unless otherwise ordered by the court:

Level One:

Unpaid filing fees.

Level Two:

Secured claims and lease payments entitled to 11 U.S.C. § 1326(a)(1)(C) pre-confirmation adequate protection payments.

Level Three:

Monthly ongoing mortgage payments, ongoing vehicle and lease payments, installments on professional fees, and

postpetition utility claims.

Level Four:

Priority Domestic Support Obligations.

Level Five:

Mortgage arrears, secured taxes, rental arrears, vehicle payment arrears.

Level Six:

All remaining secured, priority and specially classified claims, and miscellaneous secured arrears.

Level Seven: Allowed nonpriority unsecured claims.

Level Eight:

Untimety filed nonpriority unsecured claims for which an objection has not been filed.

- 8.6 As a condition to the debtor(s)' eligibility to receive a discharge upon successful completion of the plan, debtor(s)' attorney or debtor(s) (if pro se) shall file Local Bankruptcy Form 24 (Debtor's Certification of Discharge Eligibility) with the court within forty-five (45) days after making the final
- 8.7 The provisions for payment to secured, priority, and specially classified unsecured creditors in this plan shall constitute claims in accordance with Bankruptcy Rule 3004. Proofs of claim by the trustee will not be required. In the absence of a contrary timely filed proof of claim, the amounts stated in the plan for each claim are controlling. The clerk shall be entitled to rely on the accuracy of the information contained in this plan with regard to each claim. Unless otherwise ordered by the court, if a secured, priority, or specially classified creditor timely files its own claim, then the creditor's claim shall govern, provided the debtor(s) and debtor(s)' attorney have been given notice and an opportunity to object. The trustee is authorized, without prior notice, to pay claims exceeding the amount provided in the plan by not more than \$250.
- 8.8 Any creditor whose secured claim is not modified by this plan and subsequent order of court shall retain its lien.
- 8.9 Any creditor whose secured claim is modified or whose lien is reduced by the plan shall retain its lien until the underlying debt is discharged under 11 U.S.C. § 1328 or until it has been paid the full amount to which it is entitled under applicable nonbankruptcy law, whichever occurs earlier. Upon payment in accordance with these terms and entry of a discharge order, the modified lien will terminate and be released. The creditor shall promptly cause all mortgages, liens, and security interests encumbering the collateral to be satisfied, discharged, and released.
- 8.10 The provisions of Sections 8.8 and 8.9 will also apply to allowed secured, priority, and specially classified unsecured claims filed after the bar date. LATE-FILED CLAIMS NOT PROPERLY SERVED ON THE TRUSTEE AND THE DEBTOR(S)' ATTORNEY OR DEBTOR(S) (IF PRO SE) WILL NOT BE PAID. The responsibility for reviewing the claims and objecting where appropriate is placed upon the debtor(s).

Part 9: Nonstandard Plan Provisions	
9.1 Check "None" or List Nonstandard Plan Provisions.	
None. If "None" is checked, the rest of part 9 need not be completed or reproduced	d.
Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstar Local Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ine	ndard provision is a provision not otherwise included in the effective.

The following plan provisions will be effective only if the applicable box in Part 1 is checked. Any provision set forth herein is subject to court approval after notice and a hearing upon the filing of an appropriate motion.

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Part 10:

Signatures

10.1 Signatures of Debtor(s) and Debtor(s)' Attorney.

If the debtor(s) do not have an attorney, the debtor(s) must sign below; otherwise the debtor(s)' signatures are optional. The attorney for the debtor(s), if any, must sign below.

By signing this plan the undersigned, as debtor(s)' attorney or the debtor(s) (if pro se), certify(ies) that I/we have reviewed any prior confirmed plan(s), order(s) confirming prior plan(s), proofs of claim filed with the court by creditors, and any orders of court affecting the amount(s) or treatment of any creditor claims, and except as modified herein, this proposed plan conforms to and is consistent with all such prior plans, orders, and claims. False certifications shall subject the signatories to sanctions under Bankruptcy Rule 9011.

By filing this document, debtor(s)' attorney or debtor(s) (if pro se), also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in the standard chapter 13 plan form adopted for use by the United States Bankruptcy Court for the Western District of Pennsylvania, other than any nonstandard provisions included in Part 9. It is further acknowledged that any deviation from the standard plan form shall not become operative unless it is specifically identified as a "nonstandard" term and is approved by the court in a separate order.

X /s/ Jerry A. McKinney	X /s/ Kathy J. McKinney				
Signature of Debtor 1	Signature of Debtor 2				
Executed on Jul 11, 2019	Executed on Jul 11, 2019				
MM/DD/YYYY	MM/DÐ/YYYY				
X /s/ David Z. Valencik	DateJul 11, 2019				
Signature of debtor(s)' attorney	MM/DD/YYYY				